

Judge McMahon

07 CV 5798

William J. Honan (WJH 1922)
Michael J. Frevola (MJF 8359)
HOLLAND & KNIGHT LLP
195 Broadway
New York, NY 10007-3189
(212) 513-3200

ATTORNEYS FOR PLAINTIFF
WILHELMSSEN PREMIER MARINE FUELS AS

JUN 19 2007



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILHELMSSEN PREMIER MARINE FUELS AS,

Plaintiff,

-against-

UBS PROVEDORES PTY LTD. a/k/a USS-UBS
INTERNATIONAL,

Defendant.

07 Civ. ____ (____)

VERIFIED COMPLAINT

Plaintiff, Wilhelmsen Premier Marine Fuels AS ("Wilhelmsen"), by and through its attorneys, Holland & Knight LLP, for its verified complaint against UBS Provedores Pty Ltd. a/k/a USS-UBS Intenational, alleges, upon information and belief, as follows:

1. This is a case of admiralty and maritime jurisdiction as hereinafter more fully appears and is a maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure.

2. At all times material herein, plaintiff Wilhelmsen was and is a business entity organized and existing under the laws of Norway and maintains a place of business at Strandveien 20, Lysaker, Norway.

3. Upon information and belief, USS-UBS International is the trading name used by UBS Provedores Pty Ltd. Hereinafter UBS Provedores Pty Ltd. a/k/a USS-UBS International will be referred to as "USS-UBS."

4. Upon information and belief, at all times material herein, defendant USS-UBS is a business entity organized and existing under the laws of Australia, with a principal place of business located at Unit 2, 50 Borthwick Avenue, Murarrie, QLD 4172, Australia.

5. From on or about January 19, 2007 through on or about May 1, 2007, Wilhelmsen provided bunkers to various vessels on the order of USS-UBS on nine separate occasions (the "Bunkering Services"). The invoices for the Bunkering Services are attached hereto as Exhibit 1.

6. Wilhelmsen has received one partial payment from USS-UBS in the amount of \$1,232,560.15 for the Bunkering Services, but the balance of \$3,523,130.6 remains outstanding. To follow is a breakdown of the amounts owed per bunkering (Exhibit 1), minus the one payment received from USS-UBS, to arrive at the total amount owed by USS-UBS excluding interest, expenses, and reasonable attorneys' fees.

Shipment Date	Invoice No.	Amount in US\$
01/19/07	27079	1,000,408.90
01/31/07	27166	383,525.00
03/05/07	27552	263,297.94
03/20/07	27647	114,747.95
03/21/07	27648	261,149.24
03/26/07	27717	1,536,481.64
04/09/07	27903	254,398.68
04/23/07	28022	184,749.75
04/20/07	28024	152,486.25
05/01/07	28223	604,445.76
Invoice Total:		4,755,690.70
<u>Partial payment by USS-USB made 05/09/07</u>		<u>-1,232,560.15</u>
TOTAL OUTSTANDING:		<u>\$3,523,130.60</u>
(excluding interest, expenses and reasonable attorneys' fees)		

7. Pursuant to agreement between Wilhelmsen and USS-UBS, disputes arising in connection with the Bunkering Services are to be arbitrated in London.

8. Under English law, Wilhelmsen also is entitled to reasonable costs and attorneys fees expended while prosecuting its claims to completion, which amount is estimated to be \$981,316.44, as set forth below:

Interest: \$ 581,316.44 ($\$3,523,130.00 \times 0.0825/\text{year} \times 2 \text{ years}$)

Attorneys' Fees/Expenses: \$ 400,000.00

Total Interest/Fees/Expenses: \$ 981,316.44

Total Due Wilhelmsen \$3,523,130.60

Total Sought: \$4,504,447.10

9. Wilhelmsen is in the process of preparing its claim for arbitration in London.

10. USS-UBS is not found within the Southern District of New York but does have assets, good or chattels within the jurisdiction, to wit: funds or accounts held in the name (or names) of USB-USS International with, upon information and belief, the following financial institutions: Bank of America, N.A.; The Bank of New York; Citibank, N.A.; Deutsche Bank Trust Company Americas; HSBC Bank USA, N.A.; JPMorgan Chase Bank, N.A.; UBS AG; Wachovia Bank, N.A.; Société Générale; Standard Chartered Bank; BNP Paribas; Calyon Investment Bank; American Express Bank; Commerzbank; ABN Amro Bank; Bank Leumi USA; Fortis Financial Groups; Banco Popular; or any other financial institution within the Southern District of New York.

11. While all disputes arising out of the Bunkering Services are to be arbitrated in London, England, the action herein is submitted in accordance with Rule B of the Supplemental Rules of Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, as well

as 9 U.S.C. §8, and is not and cannot be considered a waiver of the parties' agreement to arbitrate.

WHEREFORE, Wilhelmsen demands judgment as follows:

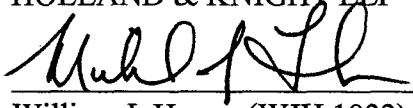
1. That process in due form of law according to the practice of this Court in the form of a writ of maritime attachment be issued against bank accounts and other property of UBS Provedores Pty Ltd. and/or USB-USS International with the financial institutions noted above in paragraph 10;

2. That UBS Provedores Pty Ltd. and/or USB-USS International and any other person claiming an interest therein may be cited to appear and answer the matters aforesaid;

3. That judgment be entered in favor of Wilhelmsen Premier Marine Fuels AS and against UBS Provedores Pty Ltd. a/k/a USB-USS International in the amount of US\$4,504,447.10 (including estimated interest, expenses and attorneys' fees); and,

4. That this Court grant Wilhelmsen Premier Marine Fuels AS such other and further relief which it may deem just and proper.

Dated: New York, New York
June 19, 2007

HOLLAND & KNIGHT LLP
By: 
William J. Honan (WJH 1922)
Michael J. Frevola (MJF 8359)
195 Broadway
New York, NY 10007-3189
Tel: (212) 513-3200
Fax: (212) 385-9010
Attorneys for Plaintiff
Wilhelmsen Premier Marine Fuels AS

VERIFICATION

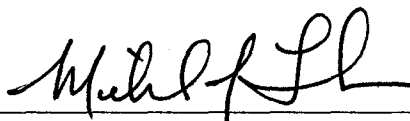
STATE OF NEW YORK)

:ss.:

COUNTY OF NEW YORK)

MICHAEL J. FREVOLA, being duly sworn, deposes and says:

I am a member of the firm of Holland & Knight LLP, counsel for Wilhelmsen Premier Marine Fuels AS ("Wilhelmsen"), plaintiff in the foregoing action. I have read the foregoing Verified Complaint and know the contents thereof, and the same are true and correct to the best of my knowledge. I have reviewed documentation provided to me by Wilhelmsen and corresponded with Wilhelmsen's representatives regarding this matter. I am authorized by Wilhelmsen to make this verification, and the reason for my making it as opposed to an officer or director of Wilhelmsen is that there are none within the jurisdiction of this Honorable Court.



Michael J. Frevola (MJF 8359)

Sworn to before me this
19th day of June, 2007



Notary Public

Elvin Ramos
Notary Public, State of New York
NO. 01RA4870243
Qualified in Queens County
Certificate filed in New York County
Commission Expires September 2, 2010

4607947_v1

EXHIBIT 1


**Wilhelmsen
Premier Marine Fuels**
Invoice

USS-UBS International
50 Borthwick Avenue
Muralme, QLD 4172
AUSTRALIA

Wilhelmsen Premier Marine Fuels AS

Office:	Strandveien 20 Lysaker, Norway	Telephone:	+47 87 58 42 88
		Telefax:	+47 87 58 42 98
Mail:	P O Box 33 NO-1324 Lysaker Norway	E-mail:	wp.oslo@wilhelmsen.com
		Internet:	www.wilhelmsenpremier.com
		Enterprise No:	NO 810 008 862 MVA

Date

HMB

2. February 2007

Vessel: SS Maj Stephen Pless
Port: Sasebo
Date of Delivery: 19.01.07
Vat reg. no.:

Invoice No. 27079
Order No. 14948BY
Posting Date 19.01.07
Due Date 18.02.07

Product	Specification details	Quantity	Unit Price Ex	Amount
MGO	DMA	1 416,959 MT	705,00	998 956,10
BOOMING	Booming/Oil Fence Charge	1	1 063,66	1 063,66
MISC	Marlen call fee	1	172,95	172,95
MISC	Boat fee	1	216,19	216,19
Total USD				1 000 408,90
VAT Amount				0,00
Total USD Incl. VAT				1 000 408,90

Without any charges to us, please pay to:
Nordea Bank Finland Plc, Account: 59955102
SWIFT: , IBAN: GB10NDEA40487859955102
Beneficiary: Wilhelmsen Premier Marine Fuels AS

Cheques are not acceptable.

We reserve the right to charge 1,5% interest monthly in the event of delayed payment

Best regards

Wilhelmsen Premier Marine Fuels AS


**Wilhelmsen
Premier Marine Fuels**
Invoice

USS-UBS International
50 Borthwick Avenue
Muralre, QLD 4172
AUSTRALIA

Wilhelmsen Premier Marine Fuels AS

Office:	Strandveien 20 Lysaker, Norway	Telephone:	+47 67 58 42 66
Mail:	P O Box 33 NO-1324 Lysaker Norway	Telefax:	+47 67 58 42 96
		E-mail:	wp.oslo@wilhelmsen.com
		Internet:	www.wilhelmsenpremier.com
		Enterprise No:	NO 810 006 862 MVA

Date

NBA

8. February 2007

Vessel: USNS Sumner
Port: Naha
Date of Delivery: 31.01.07
Vat reg. no.:

Invoice No. 27166
Order No. 14996BY
Posting Date 31.01.07
Due Date 02.03.07

Product	Specification details	Quantity	Unit Price Ex	Amount
MGO	DMA	529 MT	725,00	383 525,00
Total USD				383 525,00
VAT Amount				0,00
Total USD Incl. VAT				383 525,00

Without any charges to us, please pay to:
Nordea Bank Finland Plc, Account: 59955102
SWIFT: , IBAN: GB10NDEA40487859955102
Beneficiary: Wilhelmsen Premier Marine Fuels AS

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**Wilhelmsen
Premier Marine Fuels****Invoice**

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50 Borthwick Avenue
Muralre, QLD 4172
AUSTRALIA

Wilhelmsen Premier Marine Fuels AS

Office:	Strandveien 20 Lysaker, Norway	Telephone:	+47 67 58 42 66
		Telefax:	+47 67 58 42 98
Mail:	P O Box 33 NO-1324 Lysaker Norway	E-mail:	wp.oslo@wilhelmsen.com
		Internet:	www.wilhelmsenpremier.com
		Enterprise No:	NO 810 006 862 MVA

Date

19. March 2007

HMB

Vessel: USNS Mary Sears
Port: Sasebo
Date of Delivery: 05.03.07
Vat reg. no.:

Invoice No. 27552
Order No. 15331BY
Due Date 04.04.07

Product	Specification details	Quantity	Unit Price Ex	Amount
MGO	EAFO	392,982 MT	670,00	263 297,94
Total USD				263 297,94
VAT Amount				0,00
Total USD Incl. VAT				263 297,94

Without any charges to us, please pay to:
Nordea Bank Finland Plc, London Branch
Account: 59955102
SWIFT : NDEAGB2L, IBAN: GB10NDEA40487859955102
Beneficiary: Wilhelmsen Premier Marine Fuels AS

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Best regards

Wilhelmsen Premier Marine Fuels AS


**Wilhelmsen
Premier Marine Fuels**
Invoice

USS-UBS International
50 Borthwick Avenue
Murairre, QLD 4172
AUSTRALIA

Wilhelmsen Premier Marine Fuels AS

Office:	Strandveien 20 Lysaker, Norway	Telephone:	+47 67 58 42 86
		Telefax:	+47 67 58 42 98
Mail:	P O Box 33 NO-1324 Lysaker Norway	E-mail:	wp.oslo@wilhelmsen.com
		Internet:	www.wilhelmsenpremier.com
		Enterprise No:	NO 810 006 862 MVA

Date
KLH
30. March 2007

Vessel: HSV Westpac Express
Port: Naha
Date of Delivery: 20.03.07
Vat reg. no.:

Invoice No. 27647
Order No. 15372BY
Due Date 19.04.07

Product	Specification details	Quantity	Unit Price Ex	Amount
MGO	DMA	155,696 MT	737,00	114 747,95
Total USD				114 747,95
VAT Amount				0,00
Total USD Incl. VAT				114 747,95

Without any charges to us, please pay to:
Nordea Bank Finland Plc, London Branch
Account: 59955102
SWIFT : NDEAGB2L, IBAN: GB10NDEA40487869955102
Beneficiary: Wilhelmsen Premier Marine Fuels AS

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Wilhelmsen Premier Marine Fuels AS


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Invoice

USS-UBS International
50 Borthwick Avenue
Muralra, QLD 4172
AUSTRALIA

Wilhelmsen Premier Marine Fuels AS

Office:	Strandveien 20 Lysaker, Norway	Telephone:	+47 67 58 42 88
Mail:	P O Box 93 NO-1324 Lysaker Norway	Telefax:	+47 67 58 42 88
		E-mail:	wp.oslo@wilhelmsen.com
		Internet:	www.wilhelmsenpremier.com
		Enterprise No:	NO 810 006 862 MVA

Date

KLH

30. March 2007

Vessel: USNS Bowditch
Port: Sasebo
Date of Delivery: 21.03.07
Vat reg. no.:

Invoice No. 27648
Order No. 15446BY
Due Date 20.04.07

Product	Specification details	Quantity	Unit Price Ex	Amount
MGO	MGO/AEFO	384,043 MT	680,00	261 149,24
Total USD				261 149,24
VAT Amount				0,00
Total USD Incl. VAT				261 149,24

Without any charges to us, please pay to:
Nordea Bank Finland Plc, London Branch
Account: 59955102
SWIFT : NDEAGB2L, IBAN: GB10NDEA40487859955102
Beneficiary: Wilhelmsen Premier Marine Fuels AS

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AUSTRALIA

Wilhelmsen Premier Marine Fuels AS

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Mail:	P O Box 33 NO-1324 Lysaker Norway	Telefax:	+47 67 58 42 98
		E-mail:	wp.oslo@wilhelmsen.com
		Internet:	www.wilhelmsenpremier.com
		Enterprise No:	NO 810 008 882 MVA

Date

NBA

3. April 2007

Vessel: SS Maj Stephen Pless
Port: Sasebo
Date of Delivery: 26.03.07
Vat reg. no.:

Invoice No. 27717
Order No. 15332BY
Due Date 25.04.07

Product	Specification details	Quantity	Unit Price Ex	Amount
MGO	DMA	516,536 MT	720,00	371 905,92
BOOMING	Booming/Oil Fence Charge etc at tar	1,000	1 094,49	1 094,49
MGO	DMA	1 613,676 MT	720,00	1 161 846,72
BOOMING	Booming/Oil Fence Charge	1,000	1 122,33	1 122,33
MISC	Marine Call Fee	1,000 MT	178,15	178,15
MISC	Boat Fee	1,000 MT	334,03	334,03
Total USD				1 536 481,64
VAT Amount				0,00
Total USD Incl. VAT				1 536 481,64

Without any charges to us, please pay to:
Nordea Bank Finland Plc, London Branch
Account: 59955102
SWIFT : NDEAGB2L, IBAN: GB10NDEA40487859955102
Beneficiary: Wilhelmsen Premier Marine Fuels AS

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Premier Marine Fuels**
Invoice

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50 Borthwick Avenue
Murairre, QLD 4172
AUSTRALIA

Wilhelmsen Premier Marine Fuels AS

Office:	Strandveien 20 Lysaker, Norway	Telephone:	+47 67 58 42 66
Mail:	P O Box 33 NO-1324 Lysaker Norway	Telefax:	+47 67 58 42 98
		E-mail:	wp.oslo@wilhelmsen.com
		Internet:	www.wilhelmsenpremier.com
		Enterprise No:	NO 810 006 862 MVA

Date

20. April 2007

Vessel: USNS Mary Sears
Port: Naha
Date of Delivery: 09.04.07
Vat reg. no.:
Salesperson Hans Magnus Borge

Invoice No. 27903
Order No. 15613BY
Due Date 09.05.07

Product	Specification details	Quantity	Unit Price Ex	Amount
MGO	DMA	343,782 MT	740,00	254 398,68
Total USD				254 398,68
VAT Amount				0,00
Total USD Incl. VAT				254 398,68

Without any charges to us, please pay to:
Nordea Bank Finland Plc, London Branch
Account: 59955102
SWIFT : NDEAGB2L, IBAN: GB10NDEA40487859955102
Beneficiary: Wilhelmsen Premier Marine Fuels AS

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Best regards

Wilhelmsen Premier Marine Fuels AS


**Wilhelmsen
Premier Marine Fuels**
Invoice

USS-UBS International
50 Borthwick Avenue
Murrumbidgee, QLD 4172
AUSTRALIA

Wilhelmsen Premier Marine Fuels AS

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Mail:	P O Box 33 NO-1324 Lysaker Norway	Telefax:	+47 67 58 42 98
		E-mail:	wp.oslo@wilhelmsen.com
		Internet:	www.wilhelmsenpremier.com
		Enterprise No:	NO 810 006 862 MVA

HMB

Date

2. May 2007

Vessel: USNS Bowditch
Port: Naha
Date of Delivery: 23.04.07
Vat reg. no.:

Invoice No. 28022
Order No. 15733BY
Due Date 23.05.07

Product	Specification details	Quantity	Unit Price Ex	Amount
MGO	DMA 80Kgall	246,333 MT	750,00	184 749,75
Total USD				184 749,75
VAT Amount				0,00
Total USD Incl. VAT				184 749,75

Without any charges to us, please pay to:
Nordea Bank Finland Plc, London Branch
Account: 59955102
SWIFT : NDEAGB2L, IBAN: GB10NDEA40487859955102
Beneficiary: Wilhelmsen Premier Marine Fuels AS

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Best regards

Wilhelmsen Premier Marine Fuels AS


**Wilhelmsen
Premier Marine Fuels**
Invoice

USS-UBS International
50 Borthwick Avenue
Muralre, QLD 4172
AUSTRALIA

Wilhelmsen Premier Marine Fuels AS

Office:	Strandveien 20 Lysaker, Norway	Telephone:	+47 67 58 42 66
		Telefax:	+47 67 58 42 98
Mail:	P O Box 33 NO-1324 Lysaker Norway	E-mail:	wp.oslo@wilhelmsen.com
		Internet:	www.wilhelmsenpremier.com
		Enterprise No:	NO 810 008 882 MVA

HMB

Date

2. May 2007

Vessel: HSV Westpac Express
Port: Naha
Date of Delivery: 20.04.07
Vat reg. no.:

Invoice No. 28023
Order No. 15739BY
Due Date 20.05.07

Product	Specification details	Quantity	Unit Price Ex	Amount
MGO	DMA	203,315 MT	750,00	152 486,25
Total USD				152 486,25
VAT Amount				0,00
Total USD Incl. VAT				152 486,25

Without any charges to us, please pay to:
Nordea Bank Finland Plc, London Branch
Account: 59955102
SWIFT : NDEAGB2L, IBAN: GB10NDEA40487859955102
Beneficiary: Wilhelmsen Premier Marine Fuels AS

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Invoice

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Muralre, QLD 4172
AUSTRALIA

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Mail:	P O Box 33 NO-1324 Lysaker Norway	E-mail:	wp.oslo@wilhelmsen.com
		Internet:	www.wilhelmsenpremier.com
		Enterprise No:	NO 810 006 862 MVA

Date

18. May 2007

HMB

Vessel: SS Cape Jacob
Port: Sasebo
Date of Delivery: 01.05.07
Vat reg. no.:

Invoice No. 28224
Order No. 15779BY
Due Date 31.05.07

Product	Specification details	Quantity	Unit Price Ex	Amount
180CST	RME 180	1 399,180 MT	432,00	604 445,76
Total USD				604 445,76
VAT Amount				0,00
Total USD Incl. VAT				604 445,76

Without any charges to us, please pay to:
Nordea Bank Finland Plc, London Branch
Account: 59955102
SWIFT : NDEAGB2L, IBAN: GB10NDEA40487859955102
Beneficiary: Wilhelmsen Premier Marine Fuels AS

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Best regards

Wilhelmsen Premier Marine Fuels AS